



WASHINGTON STATE  
**Board of Health**  
ALWAYS WORKING FOR A SAFER AND HEALTHIER WASHINGTON

**DATE:** November 14, 2012

**TO:** Washington State Board of Health Members

**FROM:** Dr. Diana Yu, SBOH member

**SUBJECT:** PUBLIC HEARING – HUMAN IMMUNODEFICIENCY VIRUS (HIV) TESTING,  
WAC 246-100-207

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**Background and Summary:**

State Board of Health rules specify procedures for obtaining consent for HIV testing, counseling people undergoing testing, and notifying partners. These rules are in chapter 246-100 WAC, which addresses communicable diseases control. Authority derives from sections of chapter 70.24 RCW that were enacted as part of the 1988 AIDS Omnibus Act. The Board last updated its HIV rules in 2009.

As part of the 2009 rule revisions, WAC 246-100-207 was modified to attempt to allow informed consent to occur either verbally or in writing. This change was intended to make the rule more consistent with the 2006 CDC HIV testing guidance, which allows either written or verbal consent for testing. The underlying rationale is that removing barriers to testing will help insure that infected people can seek early treatment and partners can be protected. In order to avoid confusion we propose dropping the word “informed” in section (1)(a) of WAC 246-100-207 to make it clearer that either written or oral consent for HIV testing is acceptable.

Maria Courogen, director of the Office of Infectious Disease, provided a briefing on this proposed rule change at our most recent meeting. Today she will further update the Board on the proposed rule change. We will also have an opportunity to hear public testimony.

**Recommended Board Action:**

Depending on testimony offered and the Board’s discussions, the Board may choose to consider, amend if necessary, and adopt the following motion:

*The Board adopts the revisions to WAC 246-100-207 as published in WSR 12-20-083.*

**Staff Contact:**

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